

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 AJAY GERALD DAYAL,
10 (S.0172484)

11 Respondent.

Case No. 2021-1115

FILED

JAN 20 2023

REAL ESTATE COMMISSION

BY Kelly Valadez

12 **COMPLAINT AND NOTICE OF HEARING**

13 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
14 OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT AJAY GERALD DAYAL
15 ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE
16 COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645
17 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC").
18 The purpose of the hearing is to consider the allegations stated below and to determine if the
19 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or NRS
20 622.400, and the discipline to be imposed, if violations of law are proven.

21 **JURISDICTION**

22 RESPONDENT, at all relevant times mentioned in this Complaint, was and is actively licensed
23 as a Salesperson under license number S.0172484. RESPONDENT is, therefore, subject to the
24 jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter
25 645.

26 **FACTUAL ALLEGATIONS**

27 1. At all times relevant to this Complaint, RESPONDENT associated with the brokerage
28 Quantified Investment Group. NRED 000002.

1 2. In a letter dated November 17, 2021, the Division notified RESPONDENT that it was in
2 receipt of information against him and requested his sworn statement by December 2, 2021. NRED
3 000004 – NRED 000005, NRED 000039 – NRED 000042.

4 3. On or about November 29, 2021, the Division received a formal complaint, Statement of
5 Fact, against RESPONDENT alleging fraudulent and misleading advertising, specifically
6 misrepresentation of real estate agents either no longer with or never affiliated with Qualified Investment
7 Group’s website (<https://www.thequantifiedgroup.com/>). NRED 000023 – NRED 000028.

8 4. The RESPONDENT did not supply his sworn statement to the Division; in a letter dated
9 March 4, 2022, the Division sent RESPONDENT a follow-up correspondence via certified mail, noting
10 a new 10 day deadline from the date of the letter to respond to avoid potential disciplinary action. NRED
11 000006 – NRED 000007, NRED 000019.

12 5. On or about March 21, 2022, the Division received another Complaint against
13 RESPONDENT alleging she is no longer an agent of Quantified Investment Group and yet
14 RESPONDENT continues to display her photo and name after her departure over one year ago. NRED
15 000030 – NRED 000037.

16 6. On March 22, 2022, the Division issued a Notice of Violation with Imposition of
17 Administrative Fine to RESPONDENT in the amount of \$1,000 payment due by April 22, 2022 for
18 violations of NAC 645.610(1)(a) and NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b). NRED
19 000008 – NRED 000014, and NRED 000018.

20 7. In a letter dated April 22, 2022 from RESPONDENT’S attorney, Brandon L. Phillips, he
21 alleged proof of payment of the fine by producing a copy of \$500 check, which is not only half the amount
22 of the named \$1,000 fine, but in the memo line provides a different matter “NRED vs. PHILLIPS Case
23 No. 2021-639”. NRED 000045 – NRED 000049.

24 8. Attorney Phillips further represents that the \$500 was pursuant to some agreement of the
25 above-mentioned matter, which does not exist. In another related case, NRED vs. Davidson Case No.
26 2021-639, in letter dated October 13, 2021, from the Division to Mr. Davidson c/o Attorney Phillips, the
27 Division confirms receipt of the administrative fine in that case, but that is obviously not this case. NRED
28 000045 – NRED 000049, and NRED 000043.

1 9. As the Division does consider this matter still open, Attorney Phillips requested the
2 Division consider his letter an appeal of the Division's administrative sanction, therefore this case is to
3 be heard in front of the Nevada Real Estate Commission. NRED 000045 – NRED 000049.

4 10. In a letter dated April 28, 2022, the Division informed RESPONDENT'S Attorney
5 Phillips, of a follow-up to an investigation by the Division for RESPONDENT's continued violations of
6 NAC 645.610(1)(a) and NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b). NRED 000020 – NRED
7 000021.

8 **VIOLATIONS OF LAW**

9 RESPONDENT continues to commit the following violations of law:

10 1. RESPONDENT continues to violate NRS 645.315(1)(b) for failing to include any
11 license numbers for the real estate professionals on its website.

12 2. RESPONDENT continues to violate NAC 645.610(1)(a) for advertising services in a
13 false and misleading way.

14 3. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) for
15 failing to supply a written response.

16 **DISCIPLINE AUTHORIZED**

17 4. Pursuant to NRS 645.630 and NRS 645.633, the commission is empowered to impose
18 and administrative fine per violation against RESPONDENT that may not exceed \$10,000, and further
19 to suspend, revoke or place conditions on the license of RESPONDENT;

20 5. Additionally, under NRS 622.400, the Commission is authorized to impose costs of the
21 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission
22 otherwise imposes discipline on RESPONDENT.

23 6. Therefore, the Division requests that the Commission take such disciplinary action as
24 it deems appropriate under the circumstances.

25 **NOTICE OF HEARING**

26 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the
27 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
28 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

1 **THE HEARING WILL TAKE PLACE on February 21, 2023, commencing at 9:00 a.m., or**
2 **as soon thereafter as the Commission is able to hear the matter, and each day thereafter**
3 **commencing at 9:00 a.m. through February 23, 2023, or earlier if the business of the Commission**
4 **is concluded. The Commission meeting will be held on February 21, 2023, at the Nevada State**
5 **Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.**
6 **The meeting will continue on each day thereafter commencing at 9:00 a.m. through February 23,**
7 **2023, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room,**
8 **Las Vegas, Nevada 89102, until the business of the Commission is concluded.**

9 **STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same**
10 **time as part of a regular meeting of the Commission that is expected to last from February 21, 2023**
11 **through February 23, 2023, or earlier if the business of the Commission is concluded. Thus, your**
12 **hearing may be continued until later in the day or from day to day. It is your responsibility to be**
13 **present when your case is called. If you are not present when your hearing is called, a default may**
14 **be entered against you and the Commission may decide the case as if all allegations in the complaint**
15 **were true. If you have any questions, please call Kelly Valadez, Commission Coordinator, at (702)**
16 **486-4606.**

17 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting
18 under Nevada’s open meeting law, and may be attended by the public. After the evidence and arguments,
19 the commission may conduct a closed meeting to discuss your alleged misconduct or professional
20 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of
21 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

22 As the Respondent, you are specifically informed that you have the right to appear and be heard
23 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the
24 burden of proving the allegations in the complaint and will call witnesses and present evidence against
25 you. You have the right to respond and to present relevant evidence and argument on all issues involved.
26 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
27 witnesses on any matter relevant to the issues involved.
28

1 You have the right to request that the Commission issue subpoenas to compel witnesses to testify
2 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate
3 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in
4 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

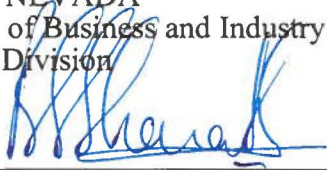
5 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
6 645 and if the allegations contained herein are substantially proven by the evidence presented and
7 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
8 pursuant to NRS 645.235, 645.633 and or 645.630.


9 DATED this 19 day of January 2023.

DATED this 19th day of January 2023.

10
11 STATE OF NEVADA
12 Department of Business and Industry
13 Real Estate Division

AARON D. FORD
Attorney General

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